

PSD 2021-57

No comments or concerns raised.

Resolution:

Ultimately, among other crimes related to another victim, the grand jury indicted Dee for failing “to report that inmate [REDACTED] provided him with a telephone number to contact her”, for engaging “in physical contact with inmate [REDACTED] [REDACTED] while she was incarcerated”, and for forcibly touching “the sexual or other intimate parts of another person, to wit: the breasts of [REDACTED]”. The indictment resulted from further investigation into this matter and information uncovered by the Erie County District Attorney’s Office. Dee pled to Criminal Contempt 2nd degree and Official Misconduct, both A misdemeanor crimes.

Recommendations:

1. ECSO should ensure that when JMD PREA related, sexual harassment, sexual misconduct and/r sexual abuse cases are supported by the Detective Bureau with additional investigator(s), such investigator(s) have completed trauma-informed investigations training.
2. Where there is corroborating evidence or witness testimony that either supports further inquiry, or non-criminal administrative charges against ECSO employees, there should be such further inquiry.

SUPREME/COUNTY COURT : ERIE COUNTY

THE PEOPLE OF THE STATE OF NEW YORK

against

ECDA Legacy No. 00112-2021

ROBERT DEE

THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses
ROBERT DEE of the following crime:

FIRST COUNT: OFFICIAL MISCONDUCT, in violation of Penal Law §195.00(2),
in that the said ROBERT DEE, on or about and between the 19th day of March, 2019 and the 29th
day of May, 2019, in this County, while acting as a public servant, with intent to obtain a personal
benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly
inherent in the nature of his office, to wit: while employed as a Sargent with the Erie County
Sheriff's Office, failed to report that inmate [REDACTED] provided him with a telephone
number to contact her.

AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses
ROBERT DEE of the following crime:

SECOND COUNT: OFFICIAL MISCONDUCT, in violation of Penal Law
§195.00(2), in that the said ROBERT DEE, on or about and between the 19th day of March, 2019
and the 14th day of May, 2019, in this County, while acting as a public servant, with intent to obtain
a personal benefit, knowingly refrained from performing a duty which is imposed upon him by law
or is clearly inherent in the nature of his office, to wit: while employed as a Sargent with the Erie
County Sheriff's Office, engaged in physical contact with inmate [REDACTED] while she was
incarcerated.

AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses
ROBERT DEE of the following crime:

THIRD COUNT: FORCIBLE TOUCHING, in violation of Penal Law §130.52(1), in that the said ROBERT DEE, on or about and between the 19th day of March, 2019 and the 14th day of May, 2019, in this County, did forcibly touch the sexual or other intimate parts of another person, to wit: the breasts of [REDACTED]

AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses ROBERT DEE of the following crime:

FOURTH COUNT: OFFICIAL MISCONDUCT, in violation of Penal Law §195.00(1), in that the said ROBERT DEE, on or about the 22nd day of October, 2021, in this County, while acting as a public servant, with intent to obtain a personal benefit, knowingly committed an unauthorized exercise of his official function, to wit: while employed as a Sargent with the Erie County Sheriff's Office, used a patrol vehicle owned by the Erie County Sheriff's Office during work hours to transport Julie Brooks, who had no legitimate County business at the time.

AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses ROBERT DEE of the following crime:

FIFTH COUNT: CRIMINAL CONTEMPT IN THE SECOND DEGREE, in violation of Penal Law §215.50(3), in that the said ROBERT DEE, on or about the 4th day of January, 2022, in this County, knowingly and intentionally disobeyed the lawful mandate of the Town of Brant Court, to wit: an Order of Protection issued by Judge Jeffrey Gier on December 9, 2019 for the protection of Julie Brooks, by having Julie Brooks at his residence, and said case not involving or growing out of a labor dispute.

AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses ROBERT DEE of the following crime:

SIXTH COUNT: TAMPERING WITH A WITNESS IN THE FOURTH DEGREE, in violation of Penal Law §215.10(a), in that the said ROBERT DEE, on or about and between the 18th day of January, 2022 and the 20th day of February, 2022, in this County, knowing that Julie Brooks was about to be called as a witness in a Grand Jury proceeding, he wrongfully induced or attempted to induce Julie Brooks to absent herself or otherwise seek to avoid appearing or testifying

at such action.

AND THE GRAND JURY OF THE COUNTY OF ERIE, by this indictment, accuses
ROBERT DEE of the following crime:

SEVENTH COUNT: CRIMINAL CONTEMPT IN THE SECOND DEGREE, in
violation of Penal Law §215.50(3), in that the said ROBERT DEE, on or about and between the 18th
day of January, 2022 and the 20th day of February, 2022, in this County, knowingly and intentionally
disobeyed the lawful mandate of the Town of Brant Court, to wit: an Order of Protection issued by
Judge Jeffrey Gier on December 9, 2019 for the protection of Julie Brooks, by engaging in
communication with Julie Brooks, and said case not involving or growing out of a labor dispute.

S/JOHN J. FLYNN

JOHN J. FLYNN *he ccb*
DISTRICT ATTORNEY OF ERIE COUNTY

CERTIFICATE OF CONVICTION OR DISCHARGE

**SUPERIOR COURT
ERIE COUNTY
BUFFALO, NEW YORK**

THE PEOPLE OF THE STATE OF NEW YORK

INDICTMENT NO: 00112-2021
SCI NO: 71243-22/001

AGAINST

ADA: G. ERTEL / N. ELNAKIB

DC: T. GALLAGHER

CR: S. THIE

ROBERT M. DEE
DOB: 01-27-1981
DATE OF ARREST: 04-26-2022

The above-named defendant having been brought before the Honorable DEBORAH A. HAENDIGES, JSC,

a JUSTICE of the SUPREME Court, of Erie County charged with: **COUNTS 1-2: OFFICIAL MISCONDUCT** PL 195.00(2); **COUNT 3: FORCIBLE TOUCHING** PL 130.52(1); **COUNT 4: OFFICIAL MISCONDUCT** PL 195.00(1); **COUNT 5: CRIMINAL CONTEMPT IN THE SECOND (2ND) DEGREE**, PL 215.50(3); **COUNT 6: TAMPERING WITH A WITNESS IN THE FOURTH (4TH) DEGREE**, PL 215.10(a); **COUNT 7: CRIMINAL CONTEMPT IN THE SECOND (2ND) DEGREE**, PL 215.50(3);

and the above defendant having:

Entered a plea of guilty on 05-1-2023

Been convicted after trial on -----

Been acquitted after trial on -----

To a charge of **COUNT 1: OFFICIAL MISCONDUCT** PL 195.00(2), "A" MISDEMEANOR;
COUNT 5: CRIMINAL CONTEMPT IN THE SECOND (2ND) DEGREE, PL 215.50(3), "A" MISDEMEANOR;

and sentenced on 08-07-2023 to THREE (3) YEARS PROBATION, CONCURRENT WITH EACH OTHER;
ORDER OF PROTECTION FIVE (5) YEARS; \$350.00/\$50.00/\$50.00 MANDATORY
SURCHARGE/CVAF/DNA FEE IMPOSED.

Charges dismissed and sealed per CPL 160.50 on

NO BILLED by the Grand Jury on -----

Dated at Buffalo, the day of

FEB 28 2024

Michael P. Kearns
Erie County Clerk

